

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS

BOSTON REDEVELOPMENT AUTHORITY

ORDER OF TAKING

WHEREAS, the BOSTON REDEVELOPMENT AUTHORITY, in accordance with G. L., c. 121B and its predecessor statute G. L., c. 121, adopted and filed in the Suffolk County Registry of Deeds, Book 7929, Page 440, an Order of Taking dated February 4, 1965, concerning and describing the Downtown-Waterfront-Faneuil Hall Urban Renewal Area, all of the findings, determinations and descriptions set forth therein being incorporated herein by reference and made a part hereof; and

WHEREAS, the Redevelopment Authority has deposited with the Mayor of the City of Boston security to his satisfaction for the payment of such damages as may be awarded in accordance with law to the owner or owners of said area, as required by G. L., c. 79, §40.

NOW THEREFORE, BE IT ORDERED that the Boston Redevelopment Authority, acting under the provisions of said c. 121B, and all other authority thereunto enabling and pursuant to the applicable provisions of said c. 79, and of any and every power and authority to it, granted or implied hereby takes for itself in fee simple by eminent domain, for the purposes hereinbefore set forth or referred to, the area or areas located in the City of Boston as hereinafter described in "Annex A", together with any and all easements and rights appurtenant thereto, including the trees, buildings and other structures standing upon or affixed thereto, and including the fee, if any, in all public streets, highways and public ways in said area or areas or contiguous and adjacent to the property taken hereby, provided such fee is a part of said

property, except any and all easements of travel in and to any and all public streets, highways and public ways in said area or areas or contiguous and adjacent thereto.

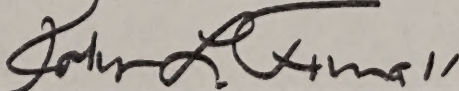
AND FURTHER ORDERED that in accordance with the provisions of the said c. 79, as amended, awards are made by the BOSTON REDEVELOPMENT AUTHORITY for damages sustained by the owner or owners and all other persons, including all mortgagees of record, having any and all interest in each parcel described in "Annex A" and entitled to any damages by reason of the taking hereby made. The Boston Redevelopment Authority reserves the right to amend the award at any time prior to the payment thereof by reason of a change in ownership or value of said property before the right to damages therefor has become vested or for other good cause shown. The awards hereby made are set forth in "Annex B", which Annex B is not to be recorded in the Registry of Deeds with the Order of Taking.

AND FURTHER ORDERED that the Secretary of the Boston Redevelopment Authority causes this instrument of Taking to be recorded in the office of the Suffolk County Registry of Deeds.

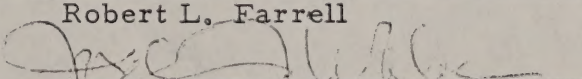
IN WITNESS WHEREOF, we, the following members of the Boston Redevelopment Authority have caused the corporate seal of the Authority to be hereto affixed and these presents to be signed in the name and behalf of the Boston Redevelopment Authority.

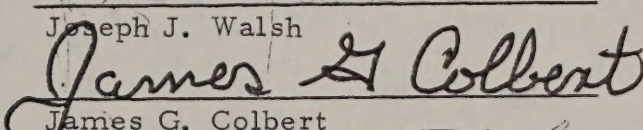
DATED: NOV 8 1979

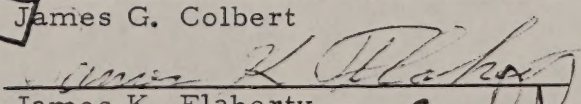
BOSTON REDEVELOPMENT AUTHORITY

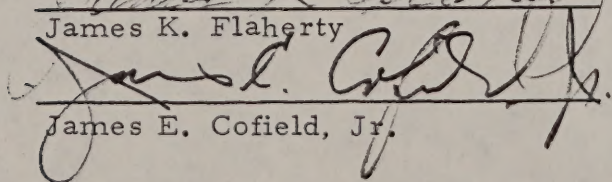


Robert L. Farrell

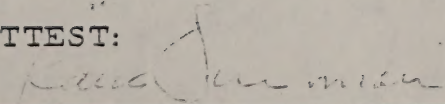

Joseph J. Walsh


James G. Colbert

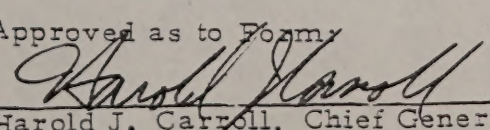

James K. Flaherty


James E. Cofield, Jr.

ATTEST:


Secretary of the Boston Redevelopment Authority

Approved as to Form


Harold J. Carroll, Chief General Counsel

ANNEX A
BOSTON REDEVELOPMENT AUTHORITY
DOWNTOWN WATERFRONT-FANEUIL HALL URBAN
RENEWAL AREA

TAKING AREA DESCRIPTION

The following parcels of land are taken by this Order of Taking:

Boston Redevelopment Authority Parcels A-6 and A-7, as shown on a plan entitled, "Boston Redevelopment Authority, Downtown Waterfront Faneuil Hall Project, Mass. R-77, Boston, Suffolk County, Massachusetts, Delivery Parcel Plan, Combined Parcels A-6 and A-7," dated Nov. 2, 1979, prepared by Schoenfeld Associates, Inc., Consulting Engineers, Boston, Massachusetts, which plan is recorded herewith. Parcels A-6 and A-7 are bounded and described as follows:

Beginning at point one and thirty-one hundredths (1.31') feet southeasterly (having a bearing of $S11^{\circ}-45'-00"E$) from a stone bound, the stone bound being the intersection point of the former northerly street line of State Street and the easterly street line of relocated Atlantic Ave. and said point being the southwesterly corner of the described parcel.

Thence from the above point along a line having a bearing of $N11^{\circ}-45'-00"W$ for a distance of seventy-three and fifty-three hundredths (73.53') feet to a point of curvature. This point of curvature being seventy-two and twenty-two hundredths (72.22') feet from the above described stone bound and this point of curvature also being marked by a stone bound.

Thence along a curve having a radius of three hundred eight and zero hundredths (308.00') feet for a distance of one hundred thirty-nine and thirty-three hundredths (139.33') feet to a point of tangency. This point of tangency also being marked by a stone bound.

Thence along a line having a bearing of $N37^{\circ}-40'-10"W$ for a distance of one and seventy-eight hundredths (1.78') feet to a point. This point being the northwest corner of the described parcel.

The above three courses being part of the easterly street line of relocated Atlantic Ave. as shown on the City of Boston, Public Works Department Widening and Relocation Plan entitled "Atlantic Avenue from State Street to Commercial Wharf West", Number L-10417, Sheet 1 of 3, Dated 8-14-74, and prepared by Schoenfeld Associates, Inc., Consulting Engineers, Boston, Massachusetts. Book 8807 - Page 620

Thence from the above described northwest corner point along a line having a bearing of $N77^{\circ}-49'-35"E$ for a distance of five hundred sixty-five and twenty hundredths (565.20') feet to a point. This point being the northeast corner of the described parcel.

Thence from the above northeast corner along a line having a bearing of $S11^{\circ}-51'-40"E$ for a distance of two hundred ten and zero hundredths (210.00') feet to a point. This point being the southeast corner of the described parcel.

Thence from the above southeast corner along a line having a bearing of $S77^{\circ}-49'-35"W$ for a distance of four hundred nine and seventy-three hundredths (409.73') feet to a point.

Thence along a line having a bearing of $N13^{\circ}-23'-41''W$ for a distance of sixty-four and thirty hundredths (64.30') feet to a point. The beginning segment of this course with a length of three and ninety-three hundredths (3.93') feet being a westerly course of one and two small street parcels of State Street being discontinued that are within Parcel A-6. The remaining length of this course having a length of sixty and thirty-seven hundredths (60.37') feet is the centerline of a twenty inch party wall of the Massachusetts Bay Transportation Authority as shown on the Plan "East Boston Tunnel Section "B" Atlantic Station (now Aquarium Station) Electric Stairways, Foundation, Plan and Details," No. 18211, File No. 07-67, dated March 15, 1945; Plan No. 18209, Sheet No. 5, File No. 07-64 and East Boston Tunnel Section B - Atlantic Station Electric Stairways General Plan, Sheet No. 1, Plan No. 18205, File No. 07-60.

Thence along a line having a bearing of $S76^{\circ}-34'-11''W$ for a distance of forty and twenty-eight hundredths (40.28') feet. This course is part of the former street line of Commerce Street and lies within the westerly foundation wall of the Massachusetts Bay Transportation Authority Aquarium Station (see Plan No. 18211, File No. 07-67).

Thence along a line having a bearing of $S13^{\circ}-23'-41''E$ for a distance of sixty-three and forty-one hundredths (63.41') feet. The northerly portion of this course of sixty and thirty-six hundredths (60.36') feet being the centerline of a twenty inch party wall of the Massachusetts Bay Transportation Authority's Aquarium Station and as shown on the above mentioned plans. The southerly portion of this course of three and five hundredths (3.05') feet being the easterly course with a length of one of two small street parcels of State Street being discontinued.

Thence along a line having a bearing of $S77^{\circ}-49'-35''W$ for a distance of eighty-three and eighty-two hundredths (83.82') feet to the point of the beginning.

The above entire parcel contains within its area the following registered land:

1. The parcel of land lying west of the Aquarium Station registered as Land Court Plan No. 30982-A in Certificate of Title No. 76286.
2. The parcel of land lying east of the Aquarium Station registered as Land Court Plan No. 5872-A in Certificate of Title No. 79393.
3. A discontinued portion of Commerce Street and a portion of South Market Street as shown on the City of Boston, Public Works Department Engineering Division's Plan entitled, "Discontinuance Plan and Utility Easement Plan, South Market and Commerce Street, Boston Proper," No. L10422 and dated July 14, 1975.

4. A discontinued portion of the former Atlantic Ave. as shown on the City of Boston, Public Works Department Engineering Division's Plan entitled "Discontinuance Plan and Utility Easement Plan, Atlantic Ave., Boston Proper" No. L10420, dated August 14, 1979. Book 8807 - Page 635

Also the above described parcel of A-6, A-7 has within its area certain easements described as follows:

The Massachusetts Bay Transportation Authority Aquarium Station Footing Easement.

Beginning at a point which is Three hundred ninety six and seventy-three hundredths (396.73) feet from the southeast corner of the parcel and on the southerly property line.

Thence along a line having a bearing of $N13^{\circ}-23'-41''W$ for a distance of twenty and twenty-five hundredths (20.25') feet.

Thence along a line having a bearing of $S76^{\circ}-34'-36''W$ for a distance of nine and zero hundredths (9.00') feet.

Thence along a line having a bearing of $N13^{\circ}-23'-41''W$ for a distance of forty-seven and zero hundredths (47.00') feet.

Thence along a line having a bearing of $S76^{\circ}-34'-11''W$ for a distance of forty-eight and twenty-eight hundredths (48.28') feet.

Thence along a line having a bearing of $S13^{\circ}-23'-41''E$ for a distance of sixty-five and ninety-nine hundredths (65.99') feet.

Thence along a line having a bearing of $N77^{\circ}-49'-35''E$ for a distance of four and zero hundredths (4.00') feet. The above five courses lies one foot outside and parallel to the foundation walls of the Aquarium Station.

Thence along a line having a bearing of $N13^{\circ}-21'-41''W$ for a distance of sixty-three and forty-one hundredths (63.41') feet.

Thence along a line having a bearing of $N.76^{\circ}-34'-11''E$ for a distance of forty and twenty-eight hundredths (40.28') feet.

Thence along a line having a bearing of $S13^{\circ}-23'-41''E$ for a distance of sixty-four and thirty hundredths (64.30') feet.

Thence along a line having a bearing of $N77^{\circ}-49'-35''E$ for a distance of thirteen and zero hundredths (13.00') feet to the point of the beginning. The above three courses lie within the foundation walls. They were also described above as being part of the property line of Parcel A-6, A-7.

The footing easement has an area of eight hundred twenty-one (821) square feet and contains the Massachusetts Bay Transportation Authority's Aquarium Station Building Foundation and Footing.

A PRIVATE UTILITY EASEMENT AT THE NORTHWEST CORNER OF PARCEL A-6, A-7

Beginning at a stone bound which marks a point of tangency of a curve on the easterly street line of relocated Atlantic Ave. (also a property line of Parcel A-6, A-7) as described before. Insert "C" on this plan)

Thence along a line having a bearing of $N37^{\circ}-40'-10''W$ for a distance of one and seventy-eight hundredths (1.78') feet.

Thence along a line having a bearing of $N77^{\circ}-49'-35''E$ for a distance of fifteen and one hundredths (15.01') feet.

Thence along a line having a bearing of $S10^{\circ}-15'-46''E$ for a distance of thirty-three and sixty-five hundredths (33.65') feet.

Thence along a curve in a northwesterly direction having a radius of three hundred eight and zero hundredths (308.00') feet for a length of thirty-four and sixty-two hundredths (34.62') feet to the point of the beginning.

Said easement has a area of two hundred thirty-nine (239) square feet, and contains the electrical ducts and a manhole of the Massachusetts Bay Transportation Authority, also contains two-eight ducts electrical cables of the Boston Edison Electric Company Public.

UTILITY AND PEDESTRIAN EASEMENT AT MID AREA OF THE PARCEL

Beginning at point which is two hundred sixty-six and sixty hundredths (266.60') feet from the southeast corner of the parcel and along the southerly property line, with a bearing of $S77^{\circ}-49'-35''W$

Thence along the southerly property line have the bearing of $S77^{\circ}-49'-35''W$ for a distance of twenty, and no hundredths (20.00') feet.

Thence along a line having a bearing of $N11^{\circ}-51'-40''W$ for a distance of two hundred and ten hundredths (210.00') feet

Thence along a northerly property line having abearing of $N77^{\circ}-49'-35''E$ for a distance of twenty, and no hundredths (20.00') feet

Thence along a line having a bearing of $S11^{\circ}-51'-40''E$ for a distance of two hundred ten, and no hundredths (210.00') feet to the point of the beginning. This last course being a portion of the easterly street line of the former Atlantic Ave. now discontinued.

Said easement has an area of four thousand two hundred (4,200 S.F.) square feet and contains three of the Boston Sewer and Water Commission's major water mains: a 16 inch low service; a 20 inch high pressure fire service; a 20 inch high service; and some Boston Edison Electric ducts and manholes.

The above described entire property of Parcel A-6, A-7 including the easement areas has an area of two and fifty-five hundredths (2.55) acres and is as shown on the Delivery Parcel Plan "Combined Parcels A-6 and A-7" of the Boston Redevelopment Authority's Downtown Waterfront Faneuil Hall Project Mass. R-77 Boston, Suffolk County, Massachusetts, prepared by Schoenfeld Associates, Inc., Consulting Engineers, Boston, Massachusetts, dated November 2, 1979.

The owners of the above parcels hereby taken are unknown.

